

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JUAN A. ZAMORA,

Plaintiff,

v.

No. 20-cv-1178 SMV

**ANDREW SAUL,
Commissioner of the Social Security Administration,**

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court on Defendant's Motion Pursuant to Fed. R. Civ. P. 12(B)(1) to Dismiss Plaintiff's Complaint in Part and to Hold the Merits Briefing Schedule in Abeyance [Doc. 12], filed May 7, 2021. Defendant argues that Plaintiff's claim under *Seila Law LLC v. Consumer Fin. Prot. Bureau*, 140 S. Ct. 2183 (2020), should be dismissed. Plaintiff filed no response, and the time for doing so has passed. Further, Plaintiff filed no notice that the parties had agreed to an extension of time for his response. See D.N.M.LR-Civ. 7.4(a) (allowing the parties to stipulate to an extension as long as notice is filed on the record). It appears that Plaintiff has abandoned his *Seila Law* claim. See D.N.M.LR-Civ. 7.1(b) ("The failure of a party to file . . . a [timely] response in opposition to a motion . . . constitutes consent to grant the motion.").

IT IS THEREFORE ORDERED that Plaintiff show cause no later than **June 17, 2021**, why his claim under *Seila Law* should not be dismissed as abandoned.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge
Presiding by Consent